

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2015

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.32330 of 2015

And

M.P.No.1 of 2015

G.Sekar

... Petitioner

Vs.

1 The Chairman,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai
Chennai - 600 005.

2 The Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai - 600 005.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to dispose petitioner's representation dated 23.09.2015 in the light of ratio laid down by the apex court in Civil Appeal Nos.6631-6632 of 2015 dated 27.08.2015.

For Petitioner : Mr.G.Ravi Sankar
For Respondents : Mr.S.Prabhu

O R D E R
सत्यमेव जयते

By consent, the writ petition is taken up for final disposal.

2.The petitioner was appointed as Assistant Engineer in the services of the Tamil Nadu Slum Clearance Board by way of direct recruitment on 11.08.1987 and got promotion as Assistant Executive Engineer on 31.08.2012 and according to him the seniority list was drawn by the respondent, the details of which are as follows:

Sl. No.	Name	Qualification	Date of Appointment as AE/JE	Date of Promoted as AEE	Seniority No.
1	D.D.Elamparithi JE	DCE	24.10.1989	28.02.2011	31
2	M.Sitharthan, JE	DCE	23.10.1989	28.02.2011	35
3	J.Geetha, JE	DCE	26.10.1989	28.02.2011	39
4	S.Jaganathan, Draughtsman, Grade II	DCE Draughtsman Grade II	08.09.1987	31.08.2012	43
5	K.Sivasankaran, Draughtsman, Grade II	DCE Draughtsman Grade II	09.09.1987	31.08.2012	46

3.The grievance expressed by the petitioner is that persons who are far juniors in the lower category have been accommodated and in this regard has submitted representation dated 23.09.2015 to the respondent drawing their attention to the judgment of the Hon'ble Supreme Court of India dated 27.08.2015 made in Civil Appeal Nos.6631-6632 of 2015 (S.Panneer Selvam Vs. Government of Tamil Nadu), wherein it has been held that the roster point reserved category promotees cannot count their seniority in the promoted category from the date of their promotion and reserved category candidate (Junior Engineers) promoted on the basis of reservation earlier than the senior general category candidate in the feeder category, cannot claim consequential seniority in the promotional post and such promotion was given to accelerate promotion to the roster point promotees. The reason given by the petitioner is that inspite of the representation having been received, no orders have been passed and hence, came forward to file this writ petition.

4.Heard the submissions of Mr.G.Ravi Sankar, learned counsel appearing for the petitioner and Mr.S.Prabhu, learned counsel who accepts notice on behalf of the respondents.

5.This Court taking into consideration the limited scope of the prayer sought for by the petitioner and without going into the merits of the same, directs the second respondent to consider and dispose of the petitioner's representation dated 23.09.2015 on merits and in accordance with law in the light of the above stated judgment rendered by the Hon'ble Supreme Court of India dated 27.08.2015 and after putting the concerned persons on notice and pass orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6.The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is also closed.

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s/d-
Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

To

- 1 The Chairman,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai
Chennai - 600 005.
- 2 The Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai - 600 005.
- + 1 cc to Mr.s.Prabhu, Advocate SR 55534
- + 1 cc to Mr.G.Ravisankar, Advocate SR 55516

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